

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,
SMARTMATIC INTERNATIONAL
HOLDING B.V., and SGO
CORPORATION LIMITED,

Plaintiffs,

v.

MICHAEL J. LINDELL and MY
PILLOW, INC.,

Defendants.

Case No. 22-cv-0098-JMB-JFD

**DECLARATION OF JULIE M. LOFTUS IN SUPPORT OF SMARTMATIC'S
MOTION FOR LEAVE TO MODIFY SCHEDULING ORDER TO ALLOW
LIMITED DEPOSITIONS AFTER CLOSE OF FACT DISCOVERY**

I, Julie M. Loftus, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am over the age of 18, I am competent to make this declaration, and I have personal knowledge of the facts stated herein. These facts are true to the best of my knowledge, information, and belief, and if called upon to testify as a witness, I could and would testify competently to them.

2. I am an attorney at the law firm Benesch, Friedlander, Coplan & Aronoff, LLP, and I represent Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited ("Smartmatic") in the above-captioned lawsuit.

3. Attached as Exhibit A is a true and correct copy of an email from me to Christopher Kachouroff, dated April 24, 2024.

4. I attended a phone call with Mr. Kachouroff during which the parties planned to hold the MyPillow 30(b)(6) deposition on June 4, 2024.

5. Attached as Exhibit B is a true and correct copy of an email from Mr. Kachouroff to Timothy Frey, dated May 31, 2024.

6. After the June 4, 2024 deposition for MyPillow's corporate representative was canceled, the parties scheduled the deposition for June 20, 2024. The parties also scheduled the Lindell Management, LCC 30(b)(6) deposition for July 8, 2024.

7. On June 19, 2024, Mr. Kachouroff indicated that he scheduled a midday flight on June 20, 2024, which would have conflicted with our planned deposition of MyPillow's corporate representative.

8. Attached as Exhibit C is a true and correct copy of an email from me to Mr. Kachouroff, dated June 24, 2024.

9. Attached as Exhibit D is a true and correct copy of an email from Mr. Kachouroff to me, dated June 24, 2024

10. After Defendants rejected any date prior to July 8, 2024 for the MyPillow 30(b)(6) deposition, Smartmatic proposed the deposition be scheduled for July 9, 2024. Defendants' counsel rejected that date.

11. By that point, all of Defendants' proposed dates for the MyPillow 30(b)(6) deposition were after the fact-discovery deadline. Defendants represented that Michael Lindell would be the designee for the MyPillow 30(b)(6) deposition and the Lindell Management, LLC 30(b)(6) deposition.

12. Attached as Exhibit E is a true and correct copy of an email from me to Mr. Kachouroff, dated June 27, 2024.

13. Attached as Exhibit F is a true and correct copy of an email from me to Mr. Kachouroff, dated July 2, 2024.

14. Attached as Exhibit G is a true and correct copy of an email from Mr. Kachouroff to me, dated July 8, 2024.

15. Attached as Exhibit H is a true and correct copy of an email from Mr. Frey to Mr. Kachouroff, dated July 8, 2024.

16. Attached as Exhibit I is a true and correct copy of an email from Mr. Kachouroff to Mr. Frey, dated July 9, 2024.

17. Attached as Exhibit J is a true and correct copy of Defendants' Supplemental Answers and Objections to Plaintiffs' Third Set of Interrogatories.

18. Attached as Exhibit K is a true and correct copy of Smartmatic's Notice of Motion and Motion to Compel Compliance with Subpoenas of Nonparty Conan James Hayes, dated September 6, 2023.

19. Attached as Exhibit L is a true and correct copy of an email from me to Mr. Kachouroff, dated June 26, 2024.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



Julie M. Loftus

Executed on July 11, 2024.